

	Brendan P. Glackin (SBN 199643) bglackin@agutah.gov	Glenn D. Pomerantz (SBN 112503) glenn.pomerantz@mto.com
1	Lauren M. Weinstein ( <i>pro hac vice</i> ) lweinstein@agutah.gov	<b>MUNGER, TOLLES &amp; OLSON LLP</b> 350 South Grand Avenue, Fiftieth Floor Los Angeles, California 90071 Telephone: (213) 683-9100
2		
3	<b>OFFICE OF THE UTAH ATTORNEY GENERAL</b> 160 E 300 S, 5th Floor PO Box 140872 Salt Lake City, UT 84114-0872 Telephone: (801) 366-0260	
4		
5		Brian C. Rocca (SBN 221576) brian.rocca@morganlewis.com
6		<b>MORGAN, LEWIS &amp; BOCKIUS LLP</b> One Market, Spear Street Tower San Francisco, CA 94105-1596 Telephone: (415) 442-1000
7		
8	<i>Counsel for the Plaintiff States</i>	
9		
10		
11		<i>Counsel for Defendants Google LLC et al.</i>
12		

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION**

# **IN RE GOOGLE PLAY STORE ANTITRUST LITIGATION**

THIS DOCUMENT RELATES TO:

*State of Utah et al. v. Google LLC et al.,*  
Case No. 3:21-cv-05227-JD

Case No. 3:21-md-02981-JD

**STIPULATION AND ~~PROPOSED~~  
ORDER RE: GOOGLE-PRODUCED  
DOCUMENTS IN *UNITED STATES V.  
GOOGLE LLC***

Judge: Hon. James Donato

WHEREAS Defendants have agreed that, subject to the procedure outlined in this stipulation, the Plaintiff States may produce to the non-State Plaintiffs (the “Private Plaintiffs”) in the above-captioned MDL certain documents Defendants initially produced in the matters *United States v. Google LLC*, No. 03010 (D.D.C.) and *Colorado, et al. v. Google LLC*, No. 03715 (D.D.C.) (collectively, the “Search Matter”), excluding documents any non-party produced to any of the parties in the Search Matter;

1 NOW, THEREFORE, Defendants and the Plaintiff States hereby stipulate and agree,  
 2 subject to the Court's approval, as follows:

3       1. To the extent the Plaintiff States seek to use in this MDL any of the documents  
 4 produced by Defendants in the Search Matter that were not produced by Defendants during  
 5 discovery in this MDL (hereinafter, "Search Matter Documents"), the Plaintiff States will produce  
 6 such Search Matter Documents no later than 90 days before the first day of trial, and, if Plaintiffs  
 7 plan to rely on the Search Matter Documents in connection with motions for summary judgment,  
 8 Plaintiffs will produce such Search Matter Documents no later than two weeks before opening  
 9 summary judgment briefs are due to the extent Plaintiffs can in good faith identify or anticipate  
 10 using those documents. If Plaintiffs identify additional Search Matter Documents that they will  
 11 rely on in connection with summary judgment after seeing opening briefs, Plaintiffs will produce  
 12 those documents no later than two weeks before summary judgment opposition briefs are due.  
 13 Plaintiffs States will adhere to the following protocol:

14           a. The Plaintiff States shall not "dump" the Search Matter Documents into this  
 15 MDL or otherwise give to the Private Plaintiffs unfettered access to documents produced in the  
 16 Search Matter;

17           b. The Plaintiff States may produce to the Private Plaintiffs Search Matter  
 18 Documents which the Plaintiff States believe in good faith are reasonably related to their claims or  
 19 Defendants' defenses in the MDL, and which the Plaintiff States reasonably believe may be used  
 20 as evidence or as the basis for expert testimony in this MDL;

21           c. Prior to any production by the Plaintiff States of Search Matter Documents  
 22 in this MDL, the Plaintiff States shall give Google at least one week advance notice of such  
 23 production, including a list of the beginning Bates numbers (from the Search Matter) planned for  
 24 production in this MDL. If Defendants, in good faith, assert that the intended production is an  
 25 untailored document "dump," or is otherwise improper, Plaintiff States agree to meet and confer in  
 26 good faith with Defendants regarding the scope of the proposed production.

27           d. The States shall provisionally label the Search Matter Documents with the  
 28 highest level of protection under the operative protective order prior to disclosing or using the

document, as follows: “PROV – HIGHLY CONFIDENTIAL – ATTORNEYS’ EYES ONLY” unless third-party information requires a “PROV – NON-PARTY HIGHLY CONFIDENTIAL – OUTSIDE COUNSEL EYES ONLY” designation;

4 e. The States shall assign the Search Matter Document a Bates number  
5 specific to this MDL, while preserving the Bates numbering associated with the document a  
6 produced in the Search Matter;

7 f. For purposes of preserving the rights and obligations under the operative  
8 Protective Order, Google shall be considered the Designating Party and/or Producing Party for any  
9 Search Matter Document produced pursuant to this protocol; and

10 g. The States shall produce any Search Matter Documents simultaneously to  
11 all parties to this MDL. For the avoidance of doubt, this requirement does not apply to Search  
12 Matter Documents produced by Defendants during discovery in the MDL, including Search  
13 Matter Documents eliminated from the Search Matter Production as duplicates of the pre-existing  
14 MDL production.

15        2. Google reserves all rights as to any documents produced pursuant to this protocol,  
16 including the right to supplement its expert reports, served on November 18, 2022, with citation to  
17 any documents that the Plaintiff States produce thereafter pursuant to the protocol outlined herein;

18       3. Nothing in this Stipulation shall be deemed a waiver of Defendants' right to seek a  
19 clawback of a document based on a good-faith claim of attorney-client privilege or work-product  
20 protection.

21 || IT IS SO STIPULATED.

22 | DATED: April 18, 2023

OFFICE OF THE UTAH ATTORNEY GENERAL  
Brendan P. Glackin  
Lauren M. Weinstein

Respectfully submitted,

By: /s/ Lauren M. Weinstein  
Lauren M. Weinstein  
*Counsel for the Plaintiff States*

1 DATED: April 18, 2023

MORGAN, LEWIS & BOCKIUS LLP  
Brian C. Rocca  
Sujal J. Shah  
Michelle Park Chiu  
Minna L. Naranjo  
Rishi P. Satia

5 Respectfully submitted,

7 By: /s/ Brian C. Rocca  
8 Brian C. Rocca  
9 *Counsel for Defendants Google LLC et al.*

10 DATED: April 18, 2023

MUNGER, TOLLES & OLSON LLP  
Glenn D. Pomerantz  
Kyle W. Mach  
Kuruvilla Olasa  
Justin P. Raphael  
Emily C. Curran-Huberty  
Jonathan I. Kravis  
Marianna Y. Mao

15 Respectfully submitted,

17 By: /s/ Glenn D. Pomerantz  
18 Glenn D. Pomerantz  
19 *Counsel for Defendants Google LLC et al.*

22 **ORDER**

23 Pursuant to stipulation, it is so ordered.

25 Dated: April 24, 2023

